

# Richland County Council



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October 28, 1997

Office of the Secretary  
Federal Communications Commission  
Washington D.C. 20554

Dear Mr. Secretary,

The Richland County Council is responding to your request for comments regarding the proposed rule making to consider whether and under what circumstances to preempt certain land use ordinances which present an obstacle to the rapid implementation of the Digital (DTV) Services. Richland County is opposed to the rule making for the following reasons:

First, the proposed time frames are totally unacceptable, second, this rule making essentially preempts our local zoning ordinances.

The time frames which are proposed in MM Docket No. 97-182 are unacceptable. The requirement for local action within 21 days for modification of existing facilities, 30 days for relocating existing facilities, and 45 days for all other actions are unrealistic. The implementation of these time frames would have the affect of limiting or totally denying local residents input into the process. Issues such as variances and conditional use permits often take substantially longer to process. Local government also has the responsibility to carefully review all the applications and consider all of the problems and possible outcomes.

The rule making would severely limit zoning authority over the siting and construction of television broadcast towers as the shift to digital television occurs. The preemption of zoning for DTV construction and radio transmission facility relocation resulting from such construction would be detrimental to the public interest in our county.

The citizens of Richland County have the right to expect their local officials to safeguard their interest through zoning ordinances and the conditional use permitting process. Stripping this authority from local officials and subverting their rights to those of the television industry are not acceptable. Zoning has always been considered a responsibility of the local government - not the national. Who better understands and listens to the interests of the local citizens than their local elected officials.

Respectfully,  
[Signature]

Your proposal ruling undercuts the rights of Richland County citizens. As council members duly elected to serve the interests of the local citizens, we oppose this proposed rule making and ask that the rights of the local citizens be protected.

The council at a special call meeting held on October 28, 1997, unanimously voted to endorse the contents of this letter.

For Richland County Council,

A handwritten signature in cursive script, reading "Harriet Gardin-Fields". The signature is written in dark ink and is positioned above the printed name and title.

Harriet Gardin-Fields  
Chair

Text Version | WordPerfect Version | Acrobat Version - 18 pages, 74 KB

FCC 97-296

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, DC 20554

In the Matter of	)	
	)	
Preemption of State and Local Zoning and	)	MM Docket No. 97-182
Land Use Restrictions on the Siting,	)	
Placement and Construction of Broadcast	)	
Station Transmission Facilities	)	
	)	

## NOTICE OF PROPOSED RULE MAKING

Adopted: August 18, 1997

Released: August 19, 1997

Comment Date: October 30, 1997

Reply Comment Date: December 1, 1997

By the Commission:

### I. Introduction

1. The Commission is undertaking this proceeding to consider whether and in what circumstances to preempt certain state and local zoning and land use ordinances which present an obstacle to the rapid implementation of digital television ("DTV") service. Such ordinances may also serve to unduly inhibit the resiting of antennas made necessary by the implementation of DTV or stand as an obstacle to the institution and improvement of radio and television broadcast service generally. This issue has been brought before the Commission in a "Petition for Further Notice of Proposed Rule Making" filed jointly by the National Association of Broadcasters ("NAB") and the Association for Maximum Service Television ("Petitioners").<sup>(1)</sup> While that Petition raises a number of issues crucial to the successful roll-out of digital television, it also raises a number of questions concerning the scope of any preemption of state and local laws and ordinances and the need to exercise that authority.

### II. Background

2. In our Fifth Report and Order in the DTV proceeding, we adopted an accelerated schedule for construction of DTV transmission facilities to ensure the preservation of a universally available, free local broadcasting service and the swift recovery of broadcast spectrum. Under the construction schedule set forth in the Fifth Report and Order, affiliates of the top four networks in the top 10 markets are required to be on the air with digital signals by May 1, 1999. Affiliates of the top four networks in markets 11 - 30 must be on the air by November 1, 1999. Under this schedule, more than half of all television households will have access to multiple channels of digital broadcast television programming by November 1, 1999. All other commercial stations are required to construct their DTV facilities by May 1, 2002, and all noncommercial